



Our mission is to provide the highest level of safety, and to protect public health and the environment from toxic harm.

Fact Sheet, January 2009

The Toxics in Packaging Prevention Act

A Fact Sheet for Grocers and Retailers on Bags and Totes

Introduction

The Department of Toxic Substances Control (DTSC) prepared this fact sheet to help grocers understand and comply with the Toxics in Packaging Prevention Act. This fact sheet will introduce you to the requirements of this law, and explain the recordkeeping required of grocers under the new law. You may wish to consult the actual law for more detailed information.

What is the law?

The goal of the Toxics in Packaging Prevention Act is to eliminate the presence of certain metals packaging to protect our environment.

Put simply, the Toxics in Packaging Prevention Act is a law that limits the quantities of four heavy metals: cadmium, lead, mercury, and hexavalent chromium, from packaging and packaging components. This law bans the intentional introduction of these metals by the manufacturer in any amount and limits the incidental presence of the sum total of these metals to 100 parts per million (ppm).

To read the actual law, please refer to State of California Health and Safety Code §§25214.11-25214.26. The law can be found on the internet at <http://www.leginfo.ca.gov/calaw.html>

What do I, as a grocer or retailer, need to do?

As a grocer, your store is a purchaser of packages, for example the bags you supply at the checkout counter. As a purchaser, your store must ensure the grocery bags (and other packaging materials) you supply to customers do not contain the incidental presence of any or all of the four regulated metals in excess of 100 ppm sum total. Your store should obtain Certificates of Compliance from the package manufacturer or supplier for each package or packaging component that it supplies with the merchandise it sells. Your store should maintain these Certificates of Compliance as long as the packages or packaging components are in use by the store. DTSC may request copies of these Certificates of Compliance from you as the purchaser.

What should I be asking my manufacturer or supplier to provide to me?

The manufacturers need to be complying with the requirements of the law for packaging or packaging components they sell or supply in California. Your manufacturers and suppliers are





DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Our mission is to provide the highest level of safety, and to protect public health and the environment from toxic harm.

required by law to provide you the Certificates of Compliance discussed above for the packaging materials you purchase from them.

Examples of Certificates of Compliance may be obtained at the Toxics in Packaging Clearinghouse website, <http://www.toxicsinpackaging.org>

Can I keep my Certificates of Compliance at a central location, or must I keep them at each store location?

You may keep the Certificates of Compliance at a central location, as long as you can provide them within a reasonable time if they are requested by DTSC.

What about reusable bags? Are these subject to the Toxics in Packaging Prevention Act?

No, as long as they meet the definition of a reusable bag in as defined in [subdivision \(d\) of Section 42250 of the California Public Resources Code](#).

Where can I find more information on the new plastic bag recycling program?

You can find more information on this program at the following website:

<http://zerowaste.ca.gov/Events/Plastic/default.htm>. Specific information for grocers and retailers may be found at <http://zerowaste.ca.gov/Events/Plastic/default.htm>.

If the bags or totes can't be supplied to customers, may I dispose of them?

If you wish to dispose of bags and totes that can't be supplied to customers, they must be disposed of according to applicable laws. If the bags or totes exceed hazardous waste thresholds, they must be disposed in an appropriate hazardous waste disposal facility.

Additional Information

To learn more about Toxics in Packaging, which affects more than just bags and totes, please visit our website at:

<http://www.dtsc.ca.gov/ToxicsInPackaging/>

Our site includes other Fact Sheets, specific information for Manufacturers, Suppliers, and Purchasers, and links to other sites. We also maintain an email list (ListServ) that you may sign up for, so that anyone may receive updates from DTSC regarding Toxics in Packaging.

If you have questions, you can reach us by:

Email: tipinfo@dtsc.ca.gov

Telephone: (916) 322-4819

If you would like more information on toxics in packaging, including other states that have these laws, please visit the Toxics in Packaging Clearinghouse. California is a member state. Their phone number is (802) 254-8911, and their website is at <http://www.toxicsinpackaging.org>.

